

REMARKS:

The claims in the application are now 21-43.

Favorable reconsideration of the application as amended is respectfully requested.

Another copy is enclosed of Form PTO-1449 appended to the Supplemental Information Disclosure Statement timely-filed March 18, 2004 in the above-identified application. It is respectfully requested the art listed upon enclosed Form PTO-1449 be properly made of record in the above-identified application. Also enclosed are copies of Form PTO/SB/05 and confirming postcard evidencing submission to and receipt by the Patent and Trademark Office, of certified copies of both priority documents. Accordingly, it is respectfully requested receipt of the certified copies of both priority documents by the Patent and Trademark Office be properly acknowledged upon the next official communication from the Patent and Trademark Office.

Claims 21-43 introduced herein explicitly eliminate the formal rejections under 35 U.S.C. §112, second paragraph, set forth in paragraph 2 of the Office Action. In this regard, Claims 21-38 respectively correspond to Claims 1-18, while Claims 39-41 find explicit support on page 7 of the present application and Claim 42 finding support, e.g., in the first full paragraph on page 3, at the bottom of page 7 and top of page 9 of the specification, and in Fig. 7. Additionally, Claim 43 finds support throughout the present application and drawings, notably Figs. 3-8. Concerning the comment towards the bottom of page 2 of the Office Action about

translational movement of damping member 19, it is respectfully pointed out Figs. 1 and 10 illustrate embodiments in which damping devices 16 can be considered translationally movable on hinge section 2, with respect to the other hinge section 3 (reference is being made to preferred embodiments of the present invention illustrated in the drawings of the present application).

Accordingly, the only outstanding issue is the art rejection of the claims. More particularly, Claims 1 and 2 have been rejected under 35 U.S.C. §102 as being anticipated by either U.S. Pat. No. 4,979,265 to Grass or 5,102,084 to Park in paragraph 4 of the Office Action. It is respectfully submitted the structural and cooperative relationship between all elements recited in pending Claims 21-43 should be clear and unambiguous, so all pending claims should be treatable on the merits. In any event, it is respectfully submitted the invention recited in all pending claims herein is patentable over the applied art, for the following reasons.

The present invention is directed to an improved hinge 1 in which damping force or action increases in the region of closure of the hinge 1, i.e., as the is moved to and approaches its fully-closed position. This and other advantages are explicitly attained by the inventive hinge 1 recited in Claim 21 which has a movable section 3 and fixed section 2 interconnected by a joint axle 7, and a damping device 16 mounted upon one 2 of these sections 2, 3 for rotational or translational movement. Gear means are, in turn, mounted at least partially upon the other hinge section 3 for acting upon the damping device member 19, at least in the region of the closed position of the hinge 1. In particular, the gear means comprise at least

three movable gear members 20, 22, 27 mounted to control rotation of the damping member 19 depending upon tilt (orientation) of the movable hinge section 3 relative to the joint axis 7.

The features of the presently claimed invention together with the accompanying advantages attained thereby are neither disclosed nor suggested by the applied art, for the following reasons.

It is asserted in paragraph 4 of the Office Action Grass shows three gear members 4, 27 and 31, with gear member 31 constituting a damper. However, spring 23 pressure is constantly exerted by the device taught in Grass in both opening and closing directions or positions. Although it is mentioned in Grass damping occurs from approximately 45° to 10° during pivoting from open to closed (column 2, lines 16-24), nevertheless spring 23 pressure is constantly being exerted, unlike the presently claimed hinge 1 in which damping occurs solely by movement of the hinge parts (please see, e.g., Claim 43, introduced herein).

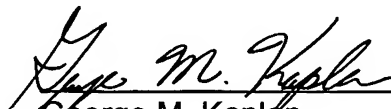
As shown in Figs. 3 and 4 of Grass, the “intermediately”-arranged gear is formed in two parts, to have a lower part 30 of larger diameter and an upper part 31 of smaller diameter. However, because the same eccentric crankpin 24 is arranged on the same gear 30, 31, the resulting gear ratio only influences kinematics of the hinge and not damping action.

Park fails to disclose a damper since gears 63, 74 and 71 only permit movement of casing part 41, with the desired position of the cover 20 held by the braked hinge shaft 61 (column 4, lines 4-31 and Figs. 3A-3C). The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment and accompanying remarks, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. A Petition for an automatic three month extension of time for response under 37 C.F.R. §1.136(a) is enclosed in triplicate together with the requisite Petition fee and fee for the additional claims introduced herein.

Early favorable action is earnestly solicited.

Respectfully submitted,


George M. Kaplan
Registration No. 28,375
Attorney for Applicant

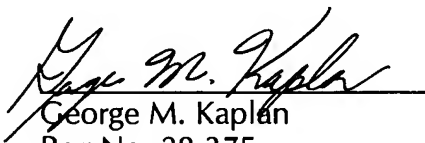
DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 288-8484

☐ Please charge Deposit Account No. 04-1121 in the amount of \$____. Two (2) copies of this sheet are enclosed.

☒ A check in the amount of \$ 75.00 is enclosed.

☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 04-1121. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121 therefor. A DUPLICATE OF THIS SHEET IS ENCLOSED.

Respectfully submitted,


George M. Kaplan
Reg No. 28,375
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Utility Application Fee Transmittal in triplicate
2. Utility Patent Application Transmittal PTO/SB/05
3. 10 pages specification, 4 page of claims, 1 page abstract, 5 pages of drawings Figs. 1-11
4. Preliminary Amendment (9 pages)
5. Executed Assignment with Recordation Cover Sheet
6. Executed Combined Declaration and Power of Attorney
7. Certified copies of German Appln. Nos. 203 03 534.8 and 202 17 546.4
8. Information Disclosure Statement with PTO 1449 and cited art
9. Checks for \$385.00 and \$40.00
10. Return Postcard

All Under Certificate of Express Mail Label #EV33228726US

Applicant: Salice

For: HINGE

Docket: 298-210

Dated: November 13, 2003

GMK/jp

03017 U.S. PTO

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PTO/SB/05 (08-03)
Approved for use through 07/31/2006. OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 298-210
First Inventor Salice
Title HINGE
Express Mail Label No. EV333228726US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 15]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
- Oath or Declaration [Total Pages 6]
 - ☒ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents, P. O. Box 1450
Alexandria, VA 22313-1450

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☒ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: CHECKS \$385 AND \$40.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: _____

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☒ Correspondence address below

Name ROCCO S. BARRESE, ESQ.
Address DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
City Uniondale State New York Zip Code 11553
Country U.S.A. Telephone (516) 228-8484 Fax (516) 228-8516

Name (Print/Type) GEORGE M. KAPLAN Registration No. (Attorney/Agent) 28,375
Signature *George M. Kaplan* Date 11/13/03

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV333228726US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 11/13/03

George M. Kaplan
GEORGE M. KAPLAN